

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

JACOB A. FRUIT,	)	
	)	
Petitioner <sup>1</sup> ,	)	Case No. 08 C 50049
	)	(07 CR 50001-01)
v.	)	
	)	Judge James B. Zagel
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**UNITED STATES' MOTION FOR LEAVE TO FILE  
RESPONSE IN EXCESS OF FIFTEEN PAGES**

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby submits its motion for leave to file a response in excess of fifteen pages:

1. Local Rule 7.1 states that no party shall file a brief in response to a motion that exceeds fifteen pages without prior approval of the court.
2. In the present case, the United States has prepared a brief in response to defendant's § 2255 motion which is twenty-three pages in length.
3. The length of the United States' response is due, in large part, to the need to respond to all of the various claims raised by petitioner in his § 2255 motion. Specifically,

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<sup>1</sup> In his § 2255 petition, Jacob A. Fruit incorrectly identified himself as the "defendant" and the United States as the "plaintiff." The United States respectfully requests that this court order that the caption be changed to correctly reflect Fruit's status as the petitioner and the United States' status as the respondent.

petitioner has alleged that twelve separate actions (or inactions) of his attorney constituted ineffective assistance of counsel.

WHEREFORE, for the reasons set forth above, the United States respectfully moves this court for leave to file a response to defendant's motion for discovery which exceeds fifteen pages.

Respectfully submitted,

PATRICK J. FITZGERALD  
United States Attorney

By: s/Scott A. Verseman  
SCOTT A. VERSEMAN  
Assistant United States Attorney  
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Rockford, IL 61101  
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**CERTIFICATE OF FILING AND SERVICE**

I, SCOTT A. VERSEMAN, certify that on May 19, 2008, I caused the foregoing “United States’ Motion For Leave To File Response In Excess of Fifteen Pages”: (1) to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Western Division; and (2) a copy thereof to be mailed by first-class mail to:

Jacob A. Fruit  
Registration No. 12262-424  
U.S.P. – McCreary  
P.O. Box 3000  
Pine Knot, Kentucky 42635

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s/Scott A. Verseman

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